

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. APPLN. NO. 09/518,642

REMARKS

Reconsideration is respectfully requested in view of Applicant's amendments and remarks herein.

The claims under consideration are claims 1-7, 11, 12, 15, 17, and 18.

Applicant appreciates the Examiner's comments in paragraphs 1 and 2 of the Office Action, whereby claims 1-7, 11, 12, 15, 17 and 18 are examined together as being drawn to the elected invention.

In paragraph 3 of the Office Action, claims 1, 11, 15, 17 and 18 are objected to because of informalities. All the points raised by the Examiner had been taken into account in the amendments of the claims herein. It is believed that the Examiner will find that all objections are rendered moot.

In paragraph 4 on page 3 of the Office Action, claims 3, 4, 6, 11, 15 and 17 are rejected under the second paragraph of 35 U.S.C. § 112 as being indefinite. Similar to the situation with respect to paragraph 3, Applicant has taken into account all the points raised by the Examiner under this portion of the rejection in the amendments to the claims submitted herein. Thus, claims 3 and 4 have been corrected to recite "a frangible container;" claim 6 has been appropriately amended regarding location; claim 15 has been corrected to clearly recite that the single use vessel is what holds both the frangible container and the volume of treatment chemical; lastly, proper antecedent basis has been inserted into claim 17.

From the above, Applicant submits that all 35 U.S.C. § 112 rejections and the objections to the claims have been obviated.

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In paragraph 5 of page 4 of the Office Action, claims 1, 3, 4, 7, 15 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ogle in view of Chaignay.

The amendments to the generic claims clearly obviate this rejection.

In Olge, the idea is to release components of a hair dyeing system whereby a lower section of the container is compressible and contains a frangible bottle containing one component of the hair dye mixture. Upon compression, the bottle approaches a stationary impact member.

In contrast to Olge, and in all of Applicant's claims, the compressible section is the upper portion of the compressible reactor, with the toxic chemical being within a frangible container positioned in a fixed location in the lower treatment portion of the compressible reactor. This system is markedly superior to that suggested by Olge in the treatment of a toxic chemical, since it avoids breakage of the frangible container through compression prior to impact. Furthermore, also as clearly said in Applicant's claims, through compression the impact member approaches and breaks the frangible container. None of these features are suggested or taught by Olge.

The secondary reference of Chaignay provides none of the deficiencies of the primary reference, since Chaignay is solely cited with respect to conventional use of a jack as a means for compressing.

From the above, Applicant's claims 1, 3, 4, 7, 15 and 17 are clearly unobvious over Olge in view of Chaignay.

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In paragraph 2 of the Office Action, claim 2 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Olge in view of Chaignay as applied to claim 1, further in view of Loper. Loper is cited with respect to the use of a septum as a means for sampling.

In paragraph 7 of the Office Action, claims 5, 6, and 18 are rejected under 35 U.S.C. § 103(a) over Olge in view of Chaignay as applied against claim 1, further in view of Bolduc. Bolduc is cited as teaching an apparatus wherein a frangible container is held by a cradle which comprises a plurality of penetrations. Also, Bolduc is cited with respect to a process of using such a system for release of a material within a frangible container.

In paragraph 8 of the Office Action, claim 11 is rejected under 35 U.S.C. § 103(a) as unpatentable over Olge in view of Chaignay and Bolduc.

In paragraph 9 of the Office Action, claim 12 is rejected under 35 U.S.C. § 103(a) over Olge in view of Chaignay and Bolduc, as applied to claim 11, further in view of Loper.

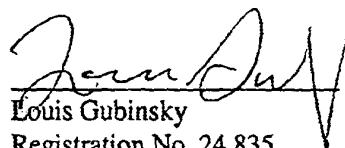
With respect to the rejections of paragraphs 6-9 of the Office Action, Applicant submits that each of these rejections fails to render Applicants' claims as rejected obvious for the same reasons why claim 1 is unobvious over Olge in view of Chaignay. All of these claims include the apparatus system features or corresponding process features of claim 1. Accordingly, all claims should now be in condition for allowance.

If any minor points remain prior to Notice of Allowance, the Examiner is respectfully requested to contact the undersigned at the below listed phone number

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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